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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,000	09/27/2001	Peter-Roger Nyssen	Mo-6631/LeA 33,423	8890
34947	7590	05/06/2004	EXAMINER GREEN, ANTHONY J	
BAYER CHEMICALS CORPORATION PATENT DEPARTMENT 100 BAYER ROAD PITTSBURGH, PA 15205-9741			ART UNIT 1755	PAPER NUMBER

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-compliant/Non-Responsive Amendment

1. The amendment filed on 22 April 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 *Fed. Reg.* 38611, June 30, 2003). In order for the amendment to be compliant, correction of the following is required. **Only the section (1.121(h)) of the amendment containing the omission of non-compliant provision must be resubmitted (in its entirety), e.g. the entire "Claim listing" section of applicant's amendment must be re-submitted.**

2. The following item causes the amendment to be non-compliant:

- Applicant has not amended the claims properly as the claim 12 does not adequately reflect the changes made to it. Note that in line 1 of the claim applicant has changed "The" to -- A -- but did not show this change and also applicant deleted the term "used" from the claim without any strikethrough showing its deletion.

3. The reply filed on 22 April 2004 is not fully responsive to the prior Office Action because of the following omissions and/or matters:

Applicant did not fully respond to the art rejections made in the last office action. According to MPEP 714.02 in order for an amendment to be fully responsive "The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present

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arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." NOTE that applicant's have not even mentioned the previously made art rejections.

See also 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

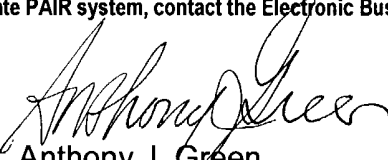
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony J. Green
Primary Examiner
Art Unit 1755

ajg
May 5, 2004